

Applicant: Griffin  
Serial No.: 10/802,347  
Filed: 03/17/2004  
Title: COMPACT FOLDABLE RAMP  
Examiner: Addi  
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#### REMARKS

FIGS. 2, 5 and 14 have been amended to add new designating numerals 19, 71 and 73 as previously indicated.

Claims 2, 12, and 13 have been canceled.

The examiner rejected claims 17 and 18 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. 6,722,721 to Sherrer et al. Claim 17 has been amended to require reduction in size of all successive segments both longitudinally and transversely. Sherrer does not teach a reduction in transverse size between all adjacent segments. Claim 7 has been similarly amended.

The examiner rejected claims 1-10 and 14-21 as being unpatentable under 35 U.S.C. 103(a) over U.S. Pat. 6,000,587 to Beeman in view of Sherrer et al. Claim 1 has been amended to require end members to be transverse on adjacent ramp section ends with each end member having an abutting surface facing outward from its respective section end with its normal longitudinal with the ramp, the runway ending at the end members, with the abutting surfaces of the end members of adjacent sections abutting together longitudinally when the ramp is unfolded. Beeman's abutting members are not transverse in the ramp, they do not face outward from ramp sections, their normal is not longitudinal with the ramp, and the Beeman runway does not end at the abutting end members.

Claim 3 has been amended to require that the strengthening ribs terminate in longitudinal abutment with the end members. Beeman does not teach such an abutting member. Claims 3 and 6 have also been amended to emphasize the hinge structure of applicants hinge. Beeman does not disclose a hinge bar below the reinforcing ribs, advantageous in effecting a preferred folding configuration of the ramp sections.

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Claim 5 has been amended to require that the boxes comprising the ramp sections, open at their bottoms, comprise end member portions bridging between panel or ribs as box sides therein closing each box circumference. None of the cited references teach a ramp section comprising a plurality of boxes with closed side circumferences.

Claim 11 has been amended to require that the ramp wheels extend longitudinally beyond the folded ramp sections to the folded ramp is wheelable on said wheels. The examiner has rejected claims 11-13 as being unpatentable under 35 U.S.C. 103(a) over Beeman in view of Sherrer and further in view of U. S. Patent 4,606,090 to Beard. The examiner's statement that Beard "teaches transportation of portable ramps is facilitated with ground engaging wheels" does not reach the issue. Beard does not teach wheels extending beyond the folded ramp sections so the folded ramp sections can be wheeled on the wheels. Rather the wheels of Beard are configured within his ramp to support the Beard ramp only in unfolded condition allowing the unfolded ramp to be more easily moved.

Claim 19 incorporates the amendments discussed above into a single claim.

The examiner has justified his suggested combination of Sherrer with Beeman on the premise that it would have been obvious to make the ramp of Beeman from multiple pairs of sections as taught by Sherrer. Applicant traverses the combination on this basis. Beeman already teaches that his ramp could comprise more than two sections (Col. 1, lin. 4-7). Upon removing this basis there is no justification for combining Sherrer with Beeman: there is no explicit suggestion in the prior art nor is there a motivation to combine because Beeman already has within its terms the basis for the motivation that the examiner suggests. Further, even if the combination is justified to have multiple pairs of sections in

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Beeman, extending the further features of Sherrer into Beeman is not justified on the premise of having a plurality of sections in multiple pairs unless those features are unique and required for the multiple pairs. Clearly there are a large number of ways to give effect to multiple sections, so this is not the case. The conclusion must follow that Sherrer features are not importable into Beeman without an appropriate further suggestion or motivation to do so. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Because the examiner's basis for combination as stated fails, the combination of these references is inappropriate and should be withdrawn.

It is well known that to establish obviousness, two requirements must be shown: First, a suggestion, teaching or motivation to modify the reference or combine the prior art references must be shown. Yamanouchi, 231 F.3d at 1341 (citing In re Longi, 759 F.2d 887, 896 (Fed.Cir.1985)); Brown & Williamson Tobacco Corp. v. Philip Morris Inc., 229 F.3d 1120, 1125 (Fed.Cir.2000) (quoting C.R. Bard, Inc. v. M3 Systems Inc., 157 F.3d 1340, 1352 (Fed.Cir.1998)); Ortho Pharm. Corp. v. Smith, 959 F.2d 936, 942 (Fed.Cir.1992). The Federal Circuit has stressed the importance of this showing: "[V]irtually all [inventions] are combinations of old elements.... Therefore, an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability very few patents would ever issue.... To counter this potential weakness in the obviousness construct, the suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness." Rouffet, 149 F.3d at 1357-58 (internal quotations and

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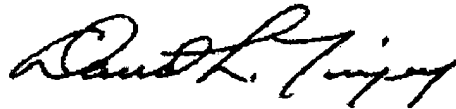
citations omitted). Broad conclusory statements, standing alone, are insufficient. In re Dembiczak, 175 F.3d 994, 999 (Fed.Cir.1999), *abrogated on other grounds by In re Gartside*, 203 F.3d 1305 (Fed.Cir.2000). Rather, evidence of motivation or suggestion to modify a reference or combine it must be "clear and particular." Dembiczak, 175 F.3d at 999; see Brown & Williamson Tobacco, 229 F.3d at 1125. It is respectfully submitted that the examiner has not presented "clear and particular" evidence but rather resorted to a broad unsupported conclusory statement that fails to meet the required burden to show obviousness by combination of references.

New claims 22-26 have been added.

Dated: May 13, 2005

For Applicant, Griffin

Respectfully,

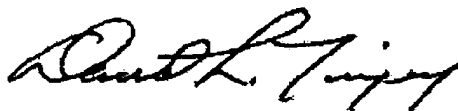


David L. Tingey  
Attorney for Applicant  
Reg. No. 32,315  
Customer 27408

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David L. Tingey  
Attorney for Applicant  
Reg. No. 32,315